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22SL-CC05067 - VALERIE PETERSON V ROSS DRESS FOR LESS INC (E-CASE)

Case File	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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12/19/2022 ☐ **Summons Personally Served**

Document ID - 22-SMCC-9771; Served To - null ROSS DRESS FOR LESS INC; Served Date - 12/09/2022; Served Time - 00:00:00; Service Type - SP; Reason Description - SERV; Service Text -

12/12/2022 ☐ **Affidavit Filed**

Affidavit of Service.

Filed By: ADMIR BRAKIC**On Behalf Of:** VALERIE PETERSON**12/05/2022** ☐ **Summons Issued-Circuit**

Document ID: 22-SMCC-9771, for ROSS DRESS FOR LESS INC. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

11/30/2022 ☐ **Filing Info Sheet eFiling****Filed By:** ADMIR BRAKIC☐ **Motion Special Process Server**

Motion for Special Process Server.

Filed By: ADMIR BRAKIC**On Behalf Of:** VALERIE PETERSON☐ **Summ Req-Circuit Pers Serv**

Memo requesting summon.

Filed By: ADMIR BRAKIC☐ **Pet Filed in Circuit Ct**

Petition.

Filed By: ADMIR BRAKIC☐ **Judge Assigned**

DIV 1

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

VALERIE PETERSON,)	
)	
Plaintiff,)	
)	
v.)	Cause No.:
)	
ROSS DRESS FOR LESS, INC.,)	Division:
)	
<u>Serve Registered Agent:</u>)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, Missouri 63105)	<u>JURY TRIAL DEMANDED</u>
)	
Defendant.)	

PETITION

COMES NOW Plaintiff, Valerie Peterson, by and through her attorney, Kenneth S. Powell, and The Powell Law Firm, and for her cause of action against Defendant, Ross Dress for Less, Inc., states to the Court as follows:

1. That Plaintiff Valerie Peterson is, and at all times relevant, was a resident of St. Louis County, Missouri.
2. That Defendant Ross Dress for Less, Inc. (hereinafter referred to as "Ross") is a foreign corporation registered and authorized to conduct business in the State of Missouri, and is authorized to be sued as such.
3. That this cause of action arises out of an incident which occurred in Poplar Bluff, Butler County, Missouri on or about July 6, 2020.
4. On or about July 6, 2020, Plaintiff was a business invitee on the property owned and occupied by Defendant Ross in Chesterfield, Missouri.
5. On or about July 6, 2020, as Plaintiff was shopping in the Defendant Ross' store

Exhibit A

and, exercising ordinary care for her own safety, she was struck with an overloaded shopping cart being transported by Defendant Ross' employee with great force and violence, as a result of which Plaintiff was caused to suffer serious and permanent injuries as will hereinafter be more fully set out.

6. The aforesaid impact and the resultant injuries to Plaintiff were the direct and proximate results of the carelessness and negligence of Defendant Ross and Defendant's servants, agents and employees, in the following respects, to-wit:

a. Defendant Ross and its servants, agents and employees, acting within the scope of their employment with Defendant Ross, knew or by the exercise of ordinary care should have known, that customers and other individuals may be walking in the premises in the path of the shopping cart, but Defendant Ross and its servants, agents and employees, disregarding their duty and obligation to its invitees, negligently and carelessly failed and omitted to take any action to ensure a clear and safe pathway for the overloaded shopping cart, and negligently loaded the shopping cart and negligently failed to avoid Plaintiff or warn Plaintiff of the existence of the hazardous condition created by overloading the shopping cart, and further failed to ascertain whether the pathway was safe for the passage of shopping cart in relation to customers and other individuals on Defendant Ross' premises.

b. Defendant Ross, and their servants, agents, and employees acting within the scope of their employment, negligently and carelessly failed to protect Plaintiff from the dangerous and hazardous condition, caused by negligent loading and transportation of the shopping cart.

c. Defendant Ross and its servants, agents, and employees acting within the scope of their employment, negligently and carelessly failed to provide a safe pathway around the overloaded shopping cart.

7. That as a direct and proximate result of the negligence and carelessness of Defendant Ross, and its servants, agents, and employees acting within the scope of their employment, Plaintiff, Valerie Peterson, sustained the following severe, permanent and progressive injuries, to-wit:

- a. Pain in her neck, back, and lower extremities.
- b. She suffered and will in the future suffer pain and mental anguish.
- c. She has lost her natural sleep and rest and will in the future lose her natural sleep and rest.

8. Because of her injuries she has been required to spend money for hospital care, medical treatment, drugs, medicine, and other medical services, supplies, appliances, and care, including physical therapy.

9. That as a result of the aforesaid severe, permanent and progressive injuries and pain and suffering, Plaintiff, Valerie Peterson, suffered great and severe damages to be determined.

WHEREFORE, Plaintiff, Valerie Peterson, prays that a Judgment be rendered against Defendant, Ross Dress for Less, Inc., for damages in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) together with costs and fees expended herein, and for such other and further relief as the Court deems necessary and proper.

Respectfully Submitted,

THE POWELL LAW FIRM

/s/ADMIR BRAKIC

Kenneth S. Powell, III, #69285

Kent F. Caruthers, #57080

Admir Brakic #69979

The Powell Law Firm

7750 Clayton Road, Suite 102

St. Louis, MO 63117

(314) 293-3777

kenny@plfirm.com

kent@plfirm.com
admir@plfirm.com
ATTORNEYS FOR PLAINTIFF

Exhibit A

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

VALERIE PETERSON)	
)	Cause No.:
Plaintiff,)	
)	Division No.:
v.)	
)	
ROSS DRESS FOR LESS, INC,)	
)	
)	
)	
)	
Defendant.)	

MEMORANDUM REQUESTING SUMMONS

COMES NOW Plaintiff, and request summons to be issued to Defendant, Ross Dress for Less, Inc. at CT Corporation System 120 South Central Avenue, Clayton, MO 63105 for service by the Special Process Server.

Dated this 29th day of November, 2022.

Respectfully Submitted,

THE POWELL LAW FIRM

/s/ADMIR BRAKIC

Kenneth S. Powell, III, #69285

Kent F. Caruthers, # 57080

Admir Brakic #

The Powell Law Firm

7750 Clayton Road, Suite 102

St. Louis, MO 63117

(314) 293-3777

kenny@plfirm.com

kent@plfirm.com

admir@plfirm.com

ATTORNEYS FOR PLAINTIFF

Exhibit A

In the
CIRCUIT COURT
 Of St. Louis County, Missouri



For File Stamp Only

Valerie Peterson
 Plaintiff/Petitioner

November 30, 2022
 Date

 Case Number

vs.

Ross Dress for Less
 Defendant/Respondent

 Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant
 to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Martin Hueckel Po Box 160, Saint Peters, Missouri 63376 314-223-9053
 Name of Process Server Address Telephone

 Name of Process Server Address or in the Alternative Telephone

 Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

Ross Dress for Less
 Name
120 South Central Ave
 Address
Clayton, MO 63105
 City/State/Zip

SERVE:

 Name

 Address

 City/State/Zip

Appointed as requested:

JOAN M. GILMER, Circuit Clerk

By _____
 Deputy Clerk

 Date

SERVE:

 Name

 Address

 City/State/Zip

SERVE:

 Name

 Address

 City/State/Zip

/s/Admir Brakic
 Signature of Attorney/Plaintiff/Petitioner
69979
 Bar No.
7751 Clayton Ave St. Louis MO
 Address
(314) 293-3777 (314) 786-0777
 Phone No. Fax No.

Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site, <http://www.stlouisco.com>. (LawandPublicSafety/Circuit/Forms).

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRIAN H MAY	Case Number: 22SL-CC05067	(Date File Stamp)
Plaintiff/Petitioner: VALERIE PETERSON	Plaintiff's/Petitioner's Attorney/Address ADMIR BRAKIC 2708 OLIVE ST ST LOUIS, MO 63103	
Defendant/Respondent: ROSS DRESS FOR LESS INC	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

Summons in Civil Case

The State of Missouri to: ROSS DRESS FOR LESS INC

Alias:

CT CORPORATION SYSTEM REG AGT
120 SOUTH CENTRAL AVE
ST. LOUIS, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

05-DEC-2022

Date

Further Information:

AD

Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRIAN H MAY	Case Number: 22SL-CC05067
Plaintiff/Petitioner: VALERIE PETERSON	Plaintiff's/Petitioner's Attorney/Address ADMIR BRAKIC 2708 OLIVE ST ST LOUIS, MO 63103
Defendant/Respondent: ROSS DRESS FOR LESS INC	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury -Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: ROSS DRESS FOR LESS INC

Alias:

CT CORPORATION SYSTEM REG AGT
120 SOUTH CENTRAL AVE
ST. LOUIS, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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05-DEC-2022

Date

Further Information:

AD

Joan P. Shilley
Clerk

Sheriff's or Server's Return

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I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person at least 18 years of age residing therein.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to Bonnie Loue (name) INTAKE SPEC. (title).

☐ other _____

Served at 120 S. Central Ave, Clayton, MO 63105 (address)
 in ST LOUIS (County/City of St. Louis), MO, on 12/9/2022 (date) at 226pm (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 12/10/2022 (date).My commission expires: 3/14/2025

Date

Nick Zotti
Notary Public

(Seal)

NICK ZOTTI
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: Mar. 14, 2025
Commission #13460023

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.